

EXHIBIT 11

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION

CORY SPENCER, an individual; DIANA)
MILENA REED, an individual; and)
COASTAL PROTECTION RANGERS, INC., a)
California non-profit public benefit)
corporation,)

Case No.
2:16-cv-02129-SJO-RAO

Plaintiffs,)

vs.)

LUNADA BAY BOYS, et al.,)

Defendants.)

VIDEOTAPED DEPOSITION OF DIANA MILENA REED
Santa Monica, California
Monday, October 24, 2016

REPORTED BY:
Jimmy S. Rodriguez
CSR No. 13464

1 harassment or intimidation when you were there on 12:11
2 January 29th? 12:11
3 A Yes. 12:11
4 Q What was that? 12:11
5 A From what I recall when, you know, from 12:11
6 the moment that we arrived we were experiencing 12:12
7 harassment. 12:12
8 Q Okay. Can you describe what the 12:12
9 harassment was? 12:12
10 A I remember that people were circling 12:12
11 around the car when we parked and, you know, some 12:12
12 people yelled at us and said that we're kooks. And 12:12
13 there were other people, other bay boys on the bluff 12:12
14 that were looking at us and there were people 12:12
15 recording us. 12:12
16 So the situation there seemed very tense. 12:12
17 Q Let's start with the people circling your 12:12
18 car, how many people circled your car? 12:12
19 A I don't remember how many people, but I 12:12
20 remember, you know -- I remember a car driving by, I 12:12
21 remember a car driving by and having people yell at 12:12
22 us also. 12:12
23 Q Okay. How many cars drove by and yelled 12:12
24 things at you? 12:13
25 A I remember one car that yelled things at 12:13

1 us. 12:13

2 Q Going back to the circling, is it people 12:13

3 or cars that circled your car? 12:13

4 A I know it was cars. Whether or not people 12:13

5 did that, there may have been people on bikes that 12:13

6 did that, I don't remember at the moment. 12:13

7 Q What were people shouting at you? 12:13

8 A They shouted that we were kooks. 12:13

9 Q What else? 12:13

10 A I remember at some point people telling us 12:13

11 that we can't surf there. 12:13

12 Q Is this all at the same time these things 12:13

13 are being shouted at you? 12:13

14 A I don't remember if it was at the same 12:13

15 time or not. 12:13

16 Q Where were you specifically at this 12:13

17 particular time when these things were being shouted 12:13

18 at you? 12:13

19 A Well, I specifically remember when they 12:13

20 shouted that they were kooks, I remember that we 12:14

21 were either just getting out of the car or just 12:14

22 pulling up, I don't remember specifically, but... 12:14

23 Q Did you say anything back to them? 12:14

24 A No, I didn't. 12:14

25 Q How about Jordan? 12:14

1 A At what point? 12:37

2 Q At any point on January 29, 2016. 12:37

3 A The entire day? 12:37

4 Q Yes. 12:37

5 A Yes, there were several instances. 12:37

6 Q Okay. So we went through the ones in the 12:37

7 car. 12:37

8 Let's go through the other times that 12:37

9 people screamed profanities at you on January 29, 12:37

10 2016, what was the next instance of those? 12:37

11 A I believe there was an instance of people 12:37

12 telling us that we can't surf there while we were on 12:37

13 the bluff. There was the constant harassment of 12:37

14 video cameras everywhere, recording everything. 12:38

15 What else is the question asking? I'm 12:38

16 sorry. 12:38

17 Q I wanted to go through the different 12:38

18 instances that day when people specifically screamed 12:38

19 profanities at you. For instance, in the complaint 12:38

20 a man called you a whore. When did that occur on 12:38

21 January 29th? 12:38

22 A Right, that's the words that I heard him 12:38

23 scream. That was once we were at the bottom of the 12:38

24 hill when we were on the rocky beach walking to the 12:38

25 spot where we would paddle out. 12:38

1 parking the car. 13:38

2 BY MS. HEWITT: 13:38

3 Q Okay. Fair enough. Do you remember 13:38

4 anybody yelling any profanities at you that day? 13:38

5 MR. FRANKLIN: Vague and ambiguous. 13:38

6 THE WITNESS: During what part of the day? 13:38

7 BY MS. HEWITT: 13:38

8 Q Any part of the day that you were there. 13:38

9 A Yes. 13:38

10 Q Okay. Tell me what you recall being 13:38

11 yelled at you as far as profanities? 13:38

12 MR. FRANKLIN: Vague and ambiguous. 13:38

13 THE WITNESS: You know, I don't remember 13:38

14 the specific insults, the specific words of the 13:38

15 insults that were yelled. I mean, I just -- I 13:38

16 remember various profanities of various instances. 13:39

17 I remember when we were preparing to walk down the 13:39

18 trail, there was a man, middle-aged blond haired 13:39

19 man, and a teenage boy that were filming us and they 13:39

20 were attempting to block the pathway, and they were 13:39

21 telling us that we were done, whatever that means. 13:39

22 I do remember some people yelling at us 13:39

23 when we were on the bluff, and I don't remember much 13:39

24 of the detail at this time. 13:39

25 I remember once we were at the bottom of 13:39

1 the hill on the beach, I remember, you know, people 13:39
2 yelling at us, yeah, everyone seemed pretty hostile. 13:40
3 BY MS. HEWITT: 13:40
4 Q When you say down to the beach, you mean 13:40
5 after you came down the bluff; right? 13:40
6 A Yes, after we came down the trail. 13:40
7 Q Down the trail, okay. 13:40
8 Did you see any police there at all 13:40
9 anytime during the day? 13:40
10 MR. FRANKLIN: Vague and ambiguous. 13:40
11 THE WITNESS: Yeah, I don't remember what 13:40
12 the situation was with the police when we arrived. 13:40
13 BY MS. HEWITT: 13:40
14 Q Okay. Were you aware that Cory Spencer 13:40
15 had asked for additional patrols to be provided by 13:40
16 the PVE P.D. for that day? 13:40
17 MR. FRANKLIN: Vague and ambiguous, lacks 13:40
18 foundation. 13:40
19 THE WITNESS: I don't know, I don't 13:40
20 remember at the time if I was aware of that or not. 13:40
21 BY MS. HEWITT: 13:40
22 Q Were you aware that he had asked for extra 13:40
23 patrols be provided before the January 29th visit? 13:41
24 MR. FRANKLIN: Vague and ambiguous, lacks 13:41
25 foundation. 13:41

1 THE WITNESS: I don't know if I knew that 13:41
2 at the time, I think that's when I first met him. 13:41
3 BY MS. HEWITT: 13:41
4 Q Okay. Do you know that Cory Spencer was 13:41
5 communicating with Police Chief Kepley around the 13:41
6 time of the visits? 13:41
7 A I know that I found out that he had asked 13:41
8 for the police at a later date. Whether or not I 13:41
9 knew that on February 13th or January 29th, I don't 13:41
10 remember if I knew that. I don't think I knew that 13:41
11 on January 29th because I didn't know him. 13:41
12 Q Okay. Fair enough. 13:41
13 The complaint indicates at some point you 13:41
14 were -- let's see -- you had spent about two hours 13:41
15 at Lunada Bay and then certain individual defendants 13:41
16 approached you with a case of beer. 13:41
17 Do you recall that? 13:42
18 A I do, but again, that event was very 13:42
19 traumatic to me so I do remember what happened but I 13:42
20 have blocked out certain small details of it and, 13:42
21 you know, with my pregnancy, my memory right now, 13:42
22 certain things are hard to remember but I'm doing my 13:42
23 best to remember. 13:42
24 Q Tell me what you remember -- and I 13:42
25 appreciate that. 13:42

1 MR. FRANKLIN: Vague and ambiguous. 13:42

2 THE WITNESS: Specifically, what would you 13:42

3 like to know? 13:42

4 BY MS. HEWITT: 13:42

5 Q Specifically, my question is about: Do 13:42

6 you remember being approached by individual 13:42

7 defendants with a case of beer? 13:42

8 A Yes. 13:42

9 Q What do you remember about being 13:42

10 approached by individual defendants with a case of 13:42

11 beer? 13:42

12 A I remember that they approached me very 13:42

13 rapidly and I was caught by surprise. I remember 13:42

14 that they rushed towards me in a hostile manner. I 13:42

15 remember, you know, declining that I wanted to drink 13:43

16 beer. I remember being videotaped by 13:43

17 Brant Blakeman. I remember there were times when I 13:43

18 was being videotaped very close to my face and it 13:43

19 felt very intimidating and definitely felt like I 13:43

20 was being harassed. And I think that I asked them, 13:43

21 you know, why they're videotaping me because it made 13:43

22 me very uncomfortable. 13:43

23 I remember Mr. Johnston opening the can of 13:43

24 beer in a way that sprayed my arm and my camera. I 13:43

25 remember him chucking beer and throwing beer cans on 13:44

1 the floor. I remember him being very loud and very 13:44
2 scary, very intimidating, and acting in a sexual 13:44
3 manner. 13:44
4 Q Where did this take place? 13:44
5 A These events took place in the fort. 13:44
6 Q Okay. When -- why did you go to the fort 13:44
7 initially? 13:44
8 A I initially went to the fort to take 13:44
9 photographs of Jordan, as he was surfing. 13:44
10 Q Okay. When you went to the fort, were 13:44
11 there already people in the fort? 13:44
12 A I don't remember if there was already 13:44
13 someone in the fort or not when I first went into 13:44
14 the fort. 13:44
15 Q Do you have any recollection of there 13:44
16 being anybody in the -- in the fort area when you 13:45
17 went to the fort? 13:45
18 MR. FRANKLIN: Vague, ambiguous. 13:45
19 THE WITNESS: I don't remember if there 13:45
20 was someone as I was walking into the fort. I do 13:45
21 remember having conversations with a certain man in 13:45
22 the fort prior to these two individuals, but whether 13:45
23 he was there as I was walking up the steps I don't 13:45
24 remember that detail. 13:45
25 ///

1 THE WITNESS: I'm having trouble 13:49
2 understanding to when you're asking me specifically. 13:49
3 BY MS. HEWITT: 13:49
4 Q How long were you in the fort after you 13:49
5 were approached with the case of beer? 13:49
6 A I don't remember. It's hard for me to 13:49
7 pinpoint exact amount of time. 13:50
8 Q Do you recall trying to leave the fort and 13:50
9 being unable to do so because you were blocked? 13:50
10 MR. FRANKLIN: Vague and ambiguous. 13:50
11 THE WITNESS: I recall them standing in 13:50
12 front of me, and the way to leave would be to go, 13:50
13 you know, to get close to them. And I do recall 13:50
14 attempting to call the police but not having cell 13:50
15 phone service. 13:50
16 BY MS. HEWITT: 13:50
17 Q Okay. In your complaint you say that 13:50
18 Johnston poured beer on your arm. Is that separate 13:50
19 from what you told me earlier where that he sprayed 13:50
20 your arm and your camera with beer? 13:50
21 A No, that's the same. 13:50
22 Q Same thing? 13:50
23 A Hmm-mm. 13:50
24 Q So he didn't separately pour beer on your 13:50
25 arm as opposed to spraying your arm and your camera? 13:50

1 filming me with his camera. 13:52

2 Q Okay. Okay. At any point, did you walk 13:52

3 away when they were making the, I think you said, 13:52

4 sexual references to you; were you able to walk away 13:52

5 at that point and exit the fort? 13:52

6 MR. FRANKLIN: Vague and ambiguous. 13:52

7 THE WITNESS: I was not able to exit the 13:52

8 fort, I was frozen in fear. 13:52

9 BY MS. HEWITT: 13:52

10 Q All right. At some point, were you able 13:52

11 to leave the fort? 13:53

12 A I was able to leave the fort at some 13:53

13 point, yes. 13:53

14 Q Can you tell me what the sexual comments 13:53

15 were that were made to you that you referenced 13:53

16 earlier? 13:53

17 A I don't remember all of them. 13:53

18 Q I understand. 13:53

19 A I do remember asking, you know, why I was 13:53

20 being filmed and, you know, being told that they're 13:53

21 filming me because I'm sexy. I remember 13:53

22 Mr. Johnston saying that he's big enough to get the 13:53

23 job done while, you know, also, you know, he was 13:53

24 also grunting and making -- making moans and noises 13:53

25 resembling, you know, an orgasm. He was, you know, 13:54

1 thrusting and rubbing his torso in a sexual manner, 13:54
2 just acting in a very -- very frightening way. 13:54
3 Q Was there anybody else in the fort or fort 13:54
4 area during this time who wasn't part of the group 13:54
5 of men? 13:54
6 A What do you mean by the group of men? 13:54
7 Q Were there any women down there as well? 13:54
8 A Yes, there was a woman down there. 13:54
9 Q Who was that? 13:54
10 A Woman named Jen. 13:54
11 Q Was she a friend of yours? 13:54
12 A No. 13:54
13 Q Did you just meet her that day? 13:54
14 A Yes, sir. 13:54
15 Q How did you meet Jen that day? 13:54
16 A Jen walked into the fort when we were 13:54
17 there. 13:54
18 Q Did she walk into the fort while the men 13:54
19 were talking to you? 13:54
20 A Which men? 13:54
21 Q Any of the men. 13:54
22 A Which men specifically? I don't know, I 13:54
23 was approached by many men. 13:54
24 Q Okay. Did you -- did Jen walk into the 13:54
25 fort prior to you being approached by the 13:55

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION

CORY SPENCER, an individual; DIANA)
MILENA REED, an individual; and)
COASTAL PROTECTION RANGERS, INC., a)
California non-profit public benefit)
corporation,) Case No.
) 2:16-cv-02129-SJO-RAO
Plaintiffs,)
)
vs.)
)
LUNADA BAY BOYS, et al.,)
)
Defendants.)
)

VIDEOTAPED DEPOSITION OF DIANA MILENA REED
VOLUME II
Santa Monica, California
Tuesday, October 25, 2016

REPORTED BY:
Jimmy S. Rodriguez
CSR No. 13464

1 matter. 09:26

2 And as before, we just ask that at the end 09:26

3 of the deposition once it's transcribed that the 09:26

4 plaintiff be allowed to make changes if necessary 09:26

5 under Rule 30. 09:26

6 BY MS. HEWITT: 09:26

7 Q Good morning, Ms. Reed. 09:26

8 A Good morning. 09:26

9 THE VIDEOGRAPHER: Thank you. The witness 09:26

10 will be sworn in, and Counsel may begin the 09:26

11 examination. 09:27

12 MS. HEWITT: She was sworn in yesterday, 09:27

13 so -- 09:27

14 THE VIDEOGRAPHER: Oh, sorry. 09:27

15 MS. HEWITT: That's okay. 09:27

16 BY MS. HEWITT: 09:27

17 Q We already discussed that. You understand 09:27

18 you're still under oath? 09:27

19 A All right. 09:27

20 Q Ms. Reed, yesterday we discussed some of 09:27

21 the other names that you have previously gone by and 09:27

22 you gave us a couple and said that's all you 09:27

23 remember. I just want to ask you a couple others. 09:27

24 Have you ever gone by Sophia Reed? 09:27

25 A No. 09:27

1 Q Do you know who Sophia Reed is? 09:27

2 A Well, Sophia is my middle name. I haven't 09:27

3 used it. And then Sophia is also the name of my 09:27

4 ex-husband's daughter. 09:27

5 Q Have you ever gone by Diana Milena Sophia 09:27

6 Gabrielle? 09:27

7 A Those are all my middle names. 09:27

8 Q Have you ever gone by Grace? 09:27

9 A It's my middle name. 09:27

10 Q Okay. So yes, you've gone by that name 09:27

11 before? 09:27

12 A I may have, you know, had people call me 09:27

13 by that name at some point when I was a kid. 09:28

14 Q What is Visual Inspiration LLC? 09:28

15 A It was a company I started when I was 18. 09:28

16 Q Okay. And that company, was it still 09:28

17 doing business in approximately 2012? 09:28

18 A I don't remember. 09:28

19 Q Did you -- did Visual Inspiration do any 09:28

20 work with your soon-to-be ex-husband's companies? 09:28

21 A It did not, but I know that there was one 09:28

22 point where he did use my bank account because he 09:28

23 told me that he can't get his own bank account. 09:28

24 Q And were you the -- if you recall, do you 09:28

25 know, were you ever listed as the service for -- 09:28

1 and make sure nothing happens to me, and I was going 09:36
2 to tell them about the incident with the beer being 09:36
3 sprayed on me and, you know, just have them help me. 09:37
4 Q Did you want them to escort you back up or 09:37
5 did you want them to stay with you down at the fort? 09:37
6 A I don't think I contemplated that. I just 09:37
7 wanted someone to help, whatever that means. 09:37
8 Q Did you want to leave? 09:37
9 A I'm sure I did. I don't know. 09:37
10 Q At the same time, when you were -- this 09:37
11 time when you were in the fort, did you witness any 09:37
12 harassment towards Jen? 09:37
13 A I did, yes. 09:37
14 Q What did you witness? 09:37
15 A I witnessed Mr. Johnston moaning towards 09:37
16 her, oscillating his body in a sexual manner, you 09:37
17 know, other things, but it's hard for me to remember 09:38
18 because I was mostly focused on what was happening 09:38
19 to me and I was so scared that I, you know, I wasn't 09:38
20 thinking very clearly. 09:38
21 Q What you said right now as to what you 09:38
22 witnessed -- the harassment you witnessed towards 09:38
23 Jen, is that separate and apart from any actions 09:38
24 that Mr. Johnston did towards you if, in fact, he 09:38
25 did any? 09:38

1 A I think that I wanted an escort at the 09:40
2 time because of the previous incident in January 09:40
3 where I was yelled at by the other individual. 09:41
4 Q Okay. What did you want the escort for? 09:41
5 A For safety. 09:41
6 Q Did you want the escort to stay with you 09:41
7 down on the beach? 09:41
8 A I don't know if I wanted them to stay with 09:41
9 me but I do know that I wanted them to escort me 09:41
10 down there. 09:41
11 Q That you wanted them to walk down with 09:41
12 you? 09:41
13 A Yes. 09:41
14 Q And how long did you anticipate needing an 09:41
15 escort that day? 09:41
16 A I don't know. I don't know if I 09:41
17 anticipated a time. 09:41
18 Q Did you want the escort to stay with you 09:41
19 while you took photographs? 09:41
20 A I don't remember that. 09:41
21 Q Did you want the escort to go to the fort 09:41
22 with you? 09:41
23 A I did want them to escort me there. 09:41
24 Q At the time that you wanted the escort, 09:41
25 did you know whether anybody was in the fort that 09:41

1 A I think that I wanted an escort at the 09:40
2 time because of the previous incident in January 09:40
3 where I was yelled at by the other individual. 09:41
4 Q Okay. What did you want the escort for? 09:41
5 A For safety. 09:41
6 Q Did you want the escort to stay with you 09:41
7 down on the beach? 09:41
8 A I don't know if I wanted them to stay with 09:41
9 me but I do know that I wanted them to escort me 09:41
10 down there. 09:41
11 Q That you wanted them to walk down with 09:41
12 you? 09:41
13 A Yes. 09:41
14 Q And how long did you anticipate needing an 09:41
15 escort that day? 09:41
16 A I don't know. I don't know if I 09:41
17 anticipated a time. 09:41
18 Q Did you want the escort to stay with you 09:41
19 while you took photographs? 09:41
20 A I don't remember that. 09:41
21 Q Did you want the escort to go to the fort 09:41
22 with you? 09:41
23 A I did want them to escort me there. 09:41
24 Q At the time that you wanted the escort, 09:41
25 did you know whether anybody was in the fort that 09:41

1 day? 09:41

2 A I did not. 09:41

3 Q All right. What specifically did you ask 09:41

4 when you asked for the police escort? 09:41

5 A It's hard for me to remember right now, 09:41

6 because I don't remember the conversation too well. 09:42

7 Q Okay. Please tell me everything you 09:42

8 remember about that conversation. 09:42

9 A I just remember -- yeah, I just remember 09:42

10 speaking to the police and requesting someone to 09:42

11 escort me. I remember, you know, the idea of doing 09:42

12 that, but it's hard for me to remember, you know, 09:42

13 anything that was said specifically. 09:42

14 Q Did you talk to a man or a woman? 09:42

15 A I don't remember. 09:42

16 Q Did you say you called on the phone? 09:42

17 A I think so. 09:42

18 Q Okay. Is there another means by which you 09:42

19 think you may have contacted the police that day? 09:42

20 A I mean, I don't think it was via e-mail so 09:42

21 I'm assuming it must have been on the phone. It 09:42

22 wasn't in person. 09:42

23 Q Okay. And are you aware that -- I think 09:42

24 we talked a little bit about this yesterday 09:42

25 actually. I think you told me yesterday you were 09:43

1 can remember right now, I think. 09:45

2 BY MS. HEWITT: 09:45

3 Q At some point later on February 13th, you 09:45

4 did make contact with the police officer; is that 09:45

5 correct? 09:45

6 A I did make contact with the police officer 09:45

7 on that day, yes. 09:45

8 Q When you first made contact with them 09:45

9 later that day, did you tell them that you had asked 09:45

10 for an escort that day? 09:45

11 A I don't know. 09:45

12 Q When you -- going back to your 09:45

13 conversation when you asked for the police escort, 09:45

14 when they refused your request, what words did they 09:45

15 use in refusing your request? 09:45

16 A I don't remember exactly why they weren't 09:45

17 available. 09:45

18 Q Did they tell you they weren't available 09:45

19 or did they refuse your request? 09:45

20 A Is there a difference between that? 09:45

21 Q I'm asking -- I'm looking at your 09:45

22 complaint and the complaint says they refused your 09:46

23 request, so I'm trying to clarify. 09:46

24 Did they say, No, you may not have an 09:46

25 escort? 09:46

1 didn't tell him? 09:50

2 A I think I was just too upset to talk, I 09:50

3 don't remember. 09:50

4 Q Were you with him at any time between the 09:50

5 time in the fort and the time that you spoke to the 09:50

6 police officer? 09:50

7 A I don't remember, I don't remember how I 09:50

8 got up the hill. I don't remember that part. I 09:50

9 just remember that he was done surfing, I remember 09:50

10 him paddling in, and I remember at some point after 09:50

11 that Jalian paddled out and left and I felt like it 09:51

12 was safe to go back up the hill. Whether Jordan was 09:51

13 with me or not as I was going up the hill, I don't 09:51

14 remember. 09:51

15 Q Do you have any recollection of Jordan 09:51

16 saying, Hey, what's wrong, you seem upset, or 09:51

17 anything like that? 09:51

18 A No, I don't remember that part 09:51

19 unfortunately. 09:51

20 Q When you found the officer, was it just 09:51

21 one officer in a police car, was it a police car? 09:51

22 A Yeah, from what I remember it was a just 09:51

23 one officer in the car, but I don't know, there may 09:51

24 have been two, but I remember -- my memory right now 09:51

25 is speaking to one officer. 09:51

1 So yes, all I can ask you is what you do 09:53
2 remember. I can't ask you to tell me what you don't 09:53
3 remember. So tell me what you do remember telling 09:53
4 the officer in that conversation. 09:53

5 A Okay. I remember -- you know, again, it's 09:53
6 hard for me because I don't remember the 09:53
7 conversation with the officer word-for-word at this 09:53
8 time. I can tell you what I remember at this time 09:53
9 from the event. 09:53

10 Q As opposed to telling me what you remember 09:53
11 about the conversation? 09:53

12 A Well, I mean, I do remember telling him 09:53
13 about the two individuals whose names I didn't know 09:53
14 at the time. 09:53

15 Q What did you tell him about the two 09:53
16 individuals? 09:53

17 A I know that I described them entering the 09:53
18 fort and I described them spraying the beer on my 09:54
19 arm and my camera and attempting to, you know, 09:54
20 intimidate me and destroy the camera and attempting 09:54
21 to harass me, being intimidating, you know, 09:54
22 basically the stuff that's written in the complaint. 09:54

23 I know that they asked for descriptions so 09:54
24 I remember providing them with descriptions to the 09:54
25 best of my knowledge. Time frames I think they 09:54

1 asked me, which I gave them. And yeah, I don't 09:54
2 know, I tried to describe the incident as best as I 09:54
3 could, I was extremely shaken up and upset, so. 09:55
4 Q When you say you told them that you were 09:55
5 harassed, did you say you were harassed or did you 09:55
6 describe any harassment? 09:55
7 A Yeah, I described the specific events that 09:55
8 made me believe that I was harassed. 09:55
9 Q You told me that you described -- their 09:55
10 entering into the fort, spraying beer on your arm 09:55
11 and your camera, attempting to intimidate you. 09:55
12 What did you say about how they attempted 09:55
13 to intimidate you? 09:55
14 A I don't remember, again, specifically what 09:55
15 I told the policeman at this time. I remember them 09:55
16 trying to intimidate me by holding the camera right 09:55
17 up to my face, you know, two feet from my face and, 09:55
18 you know, chugging beer and throwing it on the 09:55
19 ground, yelling, moaning, saying sexual comments; I 09:55
20 mean, there was a bunch of behavior that happened 09:56
21 there that was pretty disturbing to me. 09:56
22 Q Is it correct, though, you're not certain 09:56
23 whether you told the police officers any of that 09:56
24 specifically right now, that right now you don't 09:56
25 recollect that? 09:56

1 piece of paper with different mug shots to look at. 10:04
2 It wasn't what he had described to me. 10:04
3 BY MS. HEWITT: 10:04
4 Q What specifically did he describe to you? 10:04
5 A Well, it wasn't the book, you know, the 10:04
6 book of photos. 10:04
7 Q So you wanted to review a book of photos? 10:04
8 A You know, I didn't care what I was 10:04
9 viewing. I just wanted to be able to identify the 10:04
10 suspect. 10:04
11 Q Were you disappointed that it wasn't a 10:04
12 book of photos? 10:04
13 A No, I wasn't disappointed about that. I 10:04
14 was just disappointed that I had to keep calling the 10:04
15 police over and over to set up a time to identify 10:05
16 this individual because it took a really long time 10:05
17 and I felt like, you know, they weren't doing enough 10:05
18 to help me with this. 10:05
19 Q Okay. And at some point between the time 10:05
20 that you were able to look at the photos in the -- 10:05
21 and February 13th, I should go the other way, sorry 10:05
22 -- between February 13th and the time you were able 10:05
23 to look at the photos, you engaged counsel; correct? 10:05
24 A I believe so. 10:05
25 Q And Mr. Otten wrote a letter to the City 10:05

1 Q At some point did you get in contact with 10:16
2 Detective Venegas? 10:16
3 A I believe that at some point either he 10:16
4 called me or someone else called me from the 10:16
5 department. 10:16
6 Q What did he say? 10:16
7 A I don't remember the first conversation 10:16
8 very well because I think eventually I did meet with 10:16
9 him, I think, I don't know. But I do remember 10:16
10 speaking to someone from the police department, you 10:16
11 know, telling me that it's not safe at Lunada Bay 10:17
12 and why would I want to go back, it's a rocky beach 10:17
13 and why would a woman want to go to a rocky beach, 10:17
14 and it just seemed like they weren't doing much to 10:17
15 help the situation. I was also surprised that they 10:17
16 were, you know -- they told me that -- I mean, they 10:17
17 implied that women shouldn't go down to rocky 10:17
18 beaches; I found that comment a little bit strange. 10:17
19 Q Is this conversation you just told me 10:17
20 about, is this in the sequence of calls you were 10:17
21 making to try to get ahold of Detective Venegas, or 10:17
22 is this some other time? 10:17
23 A No, it's in that same sequence of me 10:17
24 trying to get ahold of, you know, him or someone at 10:17
25 the police department to help. 10:17

1 Q When you would call to try to get ahold of 10:17
2 Detective Venegas, what would you say to the person 10:17
3 who answered the phone? 10:17

4 A I don't remember specifically what I would 10:18
5 say at this time, but I would assume that I asked 10:18
6 for him or I would explain, you know, that I'm 10:18
7 trying to reach someone to help me identify the 10:18
8 suspects related to the incident. 10:18

9 Q At some point -- so let's make sure we get 10:18
10 all these there. 10:18

11 If you were to give me an estimate of how 10:18
12 many times you called the department between 10:18
13 February 13th and the time you came in for the 10:18
14 lineup, what would that be? 10:18

15 A Well, I probably called maybe three times, 10:18
16 and, you know, I remember then eventually I 10:18
17 proceeded to retain my attorneys because I felt like 10:18
18 that was the only course of action I could take 10:18
19 because the police weren't helping me. 10:18

20 Q That's why you retained your attorneys? 10:18

21 A That was one of the reasons why. 10:18

22 Q When you say that you felt that was the 10:18
23 only course of action that you could take, what do 10:18
24 you mean by that? 10:18

25 A That that was the only way that I could 10:18

1 BY MS. HEWITT: 10:56

2 Q So just focusing on instances when you 10:56

3 went back to take photographs after February 13th, 10:56

4 what harassment or intimidation did you experience? 10:57

5 A Sure. 10:57

6 I remember being constantly photographed 10:57

7 and recorded on cameras. I remember instances, you 10:57

8 know, of people on the bluff doing that. I remember 10:57

9 walking down the trail and people telling me that I 10:57

10 shouldn't be there, and that I should leave and, Oh, 10:57

11 no, you're coming here again, no one wants you here, 10:57

12 what are you doing here. And, you know, I tell 10:57

13 them, well, it's beautiful, public beach, and I'm 10:57

14 allowed to be here. 10:57

15 They would say offensive things to me. 10:57

16 They would, you know, call me a bitch, and they 10:57

17 would say stuff to me after I had passed -- if I was 10:57

18 with a friend, then they would, you know, say 10:57

19 insults about me to my friend. 10:58

20 They -- yeah, they kept basically telling 10:58

21 me that I shouldn't be there and that I'm not 10:58

22 welcome. And I also remember talking to Charlie a 10:58

23 few times and he approached me. I feel like maybe 10:58

24 he felt bad that he didn't do anything regarding the 10:58

25 beer incident to help, so maybe it was his way of 10:58

1 saying sorry to kind of try to talk to me and 10:58
2 explain who the Bay Boys are and how they work 10:58
3 and -- I don't know, so I've had various discussions 10:58
4 with him. I had discussions with people in the fort 10:58
5 and, you know, I also unfortunately experienced 10:59
6 harassment in the way that I was told I'm not 10:59
7 welcomed there. 10:59

8 Q All right. During any of these incidents, 10:59
9 were you ever alone? 10:59

10 A I don't know. I don't recall ever being 10:59
11 completely alone. I think I always brought someone 10:59
12 with me. 10:59

13 Q Did Jordan ever go with you during any of 10:59
14 these instances? 10:59

15 A The only time Jordan went with me was when 10:59
16 he was surfing and I don't remember if he surfed 10:59
17 since February 13th. If he did, then he would have 10:59
18 been there. 10:59

19 Q Do you have a recollection of you 10:59
20 experiencing harassment while Jordan was out 10:59
21 surfing? 10:59

22 MR. FRANKLIN: Vague and ambiguous. 10:59

23 BY MS. HEWITT: 10:59

24 Q Since February 13th? 10:59

25 A Right, since February 13th, I don't have a 10:59

1 Lunada Bay after February 13th? 11:28

2 A Of course. Yeah, it caused that as well, 11:28

3 hmm-mm. 11:28

4 Q Okay. And you did go to Lunada Bay after 11:28

5 that, February 13th; right? 11:28

6 A I did go back. And the reason why is 11:28

7 because I don't believe in bullying. I will stand 11:28

8 up to bullies. I will do what's right, it's a 11:28

9 public beach, and if I don't go then who else will 11:28

10 go. And, you know, I just, you know, I don't 11:28

11 believe in them bullying me into being fearful of 11:28

12 going somewhere that's beautiful and should be 11:28

13 accessible to all people. 11:28

14 Q Now, your loss of sleep, are you able to 11:28

15 differentiate from any loss of sleep between any of 11:28

16 Chief Kepley's actions and being pregnant? 11:28

17 A Yes, because at the time that this 11:28

18 occurred I wasn't pregnant. 11:28

19 Q When did you get pregnant? 11:28

20 A You know, we're not 100 percent sure. 11:29

21 Q Who's "we"? 11:29

22 A Me and my partner. 11:29

23 But around the beginning of March I would 11:29

24 think. 11:29

25 Q Have you experienced loss of sleep that 11:29

1 Q Okay. Did you ever meet Mr. Blakeman? 12:25

2 A Yes, I did. 12:25

3 Q When? 12:25

4 A I don't remember specifically the first 12:25

5 time that I met him. 12:25

6 And what do you mean by meet exactly? Do 12:26

7 you mean when I first saw him? 12:26

8 Q When you first encountered him, met him, 12:26

9 meeting? 12:26

10 A I don't think we ever had actually -- he 12:26

11 never introduced himself to me in a proper manner. 12:26

12 He was just always harassing me. 12:26

13 Q Let's start with when did you first ever 12:26

14 see him or be in his company? 12:26

15 A Sure. 12:26

16 It's hard for me to pinpoint the exact 12:26

17 time, but I do remember him -- seeing him 12:26

18 continuously filming. He usually carries around a 12:26

19 mono pod with a camera and is always recording 12:26

20 either on top of the bluff or below. 12:26

21 Q Okay. 12:26

22 A I don't know if I saw him prior to the 12:26

23 incident on February 13th or not, but I definitely 12:26

24 encountered him then. But I have seen him on other 12:26

25 instances. 12:27

1 Q You saw him on February 13th, that was the 12:26
2 incident which you described yesterday with the 12:27
3 beer? 12:27

4 A Yes. 12:27

5 Q And we'll go over that in a minute. 12:27
6 Do you think you saw him there before 12:27
7 February 13th or you just don't remember? 12:27

8 A I may have. He's one of the number of 12:27
9 individuals that is constantly there videotaping. 12:27
10 There's him and there's another brown-haired man, I 12:27
11 think his name is Hank. 12:27

12 Q Do you have any specific recollection of 12:27
13 any interaction with Mr. Blakeman before 12:27
14 February 13th between him and yourself? 12:27

15 A I don't have any specific recollection at 12:27
16 this time. 12:27

17 Q So the first specific recollection you 12:27
18 have of an encounter with him is on the 12:27
19 February 13th? 12:27

20 A At this time -- at this time, I can be 12:27
21 sure that -- I can be sure of meeting him then. If 12:27
22 I met him before, I wouldn't remember at this time. 12:27

23 Q Were there any times after February 13th 12:28
24 when you encountered him at the bluffs or -- 12:28

25 A Yes, there were. 12:28

1 me, you know, with a camera. 12:31

2 Q Anything else you remember he said? 12:31

3 A What he said specifically, he never really 12:31

4 talked much. 12:31

5 Q Okay. 12:31

6 A He mostly just kind of made a menacing, 12:31

7 scowling face and would record -- he did tell me his 12:31

8 name once. He said his name was Kelly Logan. 12:31

9 Q When did he tell you that? 12:31

10 A On one of the instances I went down there. 12:31

11 But I think at that point I already knew his name 12:32

12 and I told him, No, I know your name is 12:32

13 Brant Blakeman and he said, No, that's not my name. 12:32

14 Q That was after February 13th? 12:32

15 A Yes. 12:32

16 Q Was that after -- 12:32

17 A That was as I was walking down the trail 12:32

18 and he was walking up the trail and he passed me on 12:32

19 his way up. 12:32

20 Q How did you come to learn his name was 12:32

21 Brant Blakeman and not Kelly Logan? 12:32

22 A That was after the complaint was failed. 12:32

23 Q How did you come to know -- 12:32

24 A Actually, that was not after the complaint 12:32

25 was filed, I'm sorry, because I hadn't gone back 12:32

1 after the complaint was filed, so I take that back. 12:32

2 Q Okay. How did you know that was his name? 12:32

3 A I knew his name from Jen, was the first 12:32

4 person that knew his name. And then I knew it based 12:32

5 on the investigation and my attorneys. 12:32

6 Q This was -- 12:32

7 A And I believe the police identified him to 12:33

8 me as well at that point. But yes, this was before 12:33

9 the complaint was filed. 12:33

10 Q And Jen knew him? 12:33

11 A She never told me that she knew him. All 12:33

12 she told me is what is in those text messages that 12:33

13 were attached to the police report, that's all that 12:33

14 I knew. 12:33

15 Q Did you ever see Brant Blakeman do 12:33

16 anything besides filming or speaking to you as you 12:33

17 told us at the bay area? 12:33

18 A Well, during the incident that occurred on 12:33

19 February 13th, it appeared as though he had 12:33

20 orchestrated that event with Mr. Jalian Johnston. 12:33

21 Q What specifically did he do that made you 12:33

22 think that he had orchestrated that? 12:33

23 A It appeared as though they had planned the 12:33

24 event out in an attempt to try to ruin my camera and 12:34

25 in an attempt to try to intimidate me. 12:34

1 Q What specifically was done or did you see 12:34
2 that caused you to believe that? 12:34
3 A The fact that when they entered the fort 12:34
4 it seemed like all of their actions were 12:34
5 orchestrated, they immediately rushed towards me. 12:34
6 Johnston immediately opened the can of beer and, you 12:34
7 know, sprayed it on me and on my camera in what I 12:34
8 believe they intended to appear as an accident but 12:34
9 to me it felt very intentional. 12:34
10 The way that, you know, he was -- he was 12:34
11 filming Johnston as though it was like a planned 12:34
12 performance it seemed like, you know. The fact that 12:34
13 he was holding the camera just right, right next to 12:35
14 my face in a way that made me feel threatened or 12:35
15 intimidated. 12:35
16 Q Go ahead. 12:35
17 A A lot of the actions at Lunada Bay between 12:35
18 the locals all appeared to be orchestrated based on 12:35
19 what I've seen and what I've heard in the surf 12:35
20 community. 12:35
21 Q Can you give me any specifics as to why 12:35
22 you thought the February 13th episode was 12:35
23 orchestrated or scripted or somehow created by 12:35
24 Mr. Blakeman or with his direction? 12:35
25 A I don't know who planned it. I don't know 12:35

1 who planned it but it appeared that they were 12:35
2 following a very distinct plan to try to intimidate 12:35
3 me and try to ruin my camera. 12:35
4 Q Can you give me any specifics as to why 12:35
5 you think that? 12:35
6 A I think that because of the way that that 12:35
7 the actions unfolded that I just described. 12:36
8 Q Were you in the fort and they came to the 12:36
9 fort? 12:36
10 A Yes. 12:36
11 Q And were you there with anyone else? 12:36
12 A Jen was there as well. 12:36
13 Q Anyone else? 12:36
14 A Charlie may have been there sitting on the 12:36
15 roof. 12:36
16 Q Charlie Ferrara? 12:36
17 A Yes. 12:36
18 Q Anyone else? 12:36
19 A I think that was it. 12:36
20 Q And how close were you and Jen together to 12:36
21 each other when Mr. Blakeman came to -- 12:36
22 A I don't remember specifically, probably 12:36
23 about as close as me and the lady with the red 12:36
24 flowers. 12:36
25 Q So ten feet maybe, eight feet? 12:36

1 A I don't remember that. 12:37

2 Q From which direction did Mr. Blakeman 12:37

3 enter the scene? 12:37

4 A They -- Mr. Blakeman and Mr. Johnston both 12:37

5 entered through the entrance. There's only one 12:37

6 entrance that I know of to the fort. 12:37

7 Q Which is on the north end? 12:37

8 A I don't know which direction it faces. 12:38

9 Q The end towards Malibu? 12:38

10 A I would have to look at a map, I don't 12:38

11 have a compass in front of me. But there's only one 12:38

12 entrance that I know of. 12:38

13 Q Describe for me what -- how it unfolded, 12:38

14 how your encounter with him, Mr. Blakeman, unfolded 12:38

15 at that time. 12:38

16 A Again, it's hard for me to remember the 12:38

17 specific details, but I'll do my best to tell you 12:38

18 what I remember. 12:38

19 Q Okay. That would be great. 12:38

20 A I do remember being very startled by them 12:38

21 entering because I didn't see them walking down the 12:38

22 pathway. I don't know if that means that I was 12:38

23 facing away from them. There's a possibility I was 12:38

24 and I was facing the ocean. I don't recall if I was 12:38

25 taking photos at the time because I think my camera 12:38

1 was on the table. Or it may have been around my 12:38
2 neck but I don't believe that I was taking photos at 12:39
3 that time. I think I was watching my friend 12:39
4 surfing. 12:39

5 But as I said, I remember being very 12:39
6 startled. I remember Mr. Blakeman coming in holding 12:39
7 his camera on a tripod. 12:39

8 Q Who came in first, Mr. Blakeman or 12:39
9 Mr. Johnston? 12:39

10 A I'm not 100 percent sure, but I think 12:39
11 Mr. Blakeman was behind Mr. Johnston, I think. 12:39

12 Q Was Mr. Blakeman doing anything as he 12:39
13 entered? 12:39

14 A Yes, as I was saying, he was holding the 12:39
15 camera on some kind of tripod device recording, very 12:39
16 menacing, threatening look on his face that made me 12:39
17 extremely fearful. 12:40

18 Mr. Johnston was -- also had a very 12:40
19 menacing and fearful expression. The way that they 12:40
20 walked and their body language also appeared 12:40
21 threatening. They were making big, loud steps and 12:40
22 just a lot of heavy, you know, frightening movements 12:40
23 that made me feel that they were there in an 12:40
24 aggressive and hostile way. 12:40

25 Q What kind of camera was Mr. Blakeman 12:40

1 some flashing light or something that you can 12:41
2 recall? 12:41
3 A I don't remember. 12:41
4 Q So they entered, Mr. Johnston entered 12:41
5 first and Mr. Blakeman was right behind him or? 12:41
6 A Again, I'm not 100 percent sure. But I 12:41
7 think that that's the way that they entered. I 12:42
8 remember they entered fairly close together, I 12:42
9 think. 12:42
10 Q And did anyone -- 12:42
11 A Because Mr. Blakeman was recording the 12:42
12 incident, so that's why I'm -- I think he was behind 12:42
13 him. 12:42
14 Q Did anyone say anything to you as they 12:42
15 entered? 12:42
16 A Yes, Mr. Johnston appeared to be forging a 12:42
17 celebration, and, you know, he was raising his voice 12:42
18 and saying woo-hoo, you know, L.A. Times, and he 12:42
19 was -- as I can assume now, attempting to celebrate 12:42
20 the fact that the L.A. Times had published an 12:42
21 article about Lunada Bay and it was on the front 12:42
22 page that day. And I was unaware of that fact at 12:42
23 the time. 12:42
24 Q When you say "forging a celebration," what 12:42
25 do you mean? 12:42

1 A What I mean is that they were obviously 12:42
2 there to intimidate and harass me, and the way that 12:43
3 they wanted to do it, I guess, was to pretend that 12:43
4 they were celebrating the fact that the article came 12:43
5 out but clearly they were upset about the article. 12:43

6 Q Did they say anything other than woo-hoo, 12:43
7 L.A. Times, to give you an indication that they -- 12:43

8 A Yeah, they did. 12:43

9 Q Let me finish my question. 12:43
10 Did they give you any indication that they 12:43
11 were trying to intimidate based on the article? 12:43

12 A They did. I don't remember the specific 12:43
13 things that they said. I definitely do remember 12:43
14 their facial expressions and their body language 12:43
15 and, you know, that can say a lot more than words 12:43
16 can say. 12:43

17 Q After the woo-hoo comment, was there 12:43
18 anything else said to you? 12:43

19 A Well, it all seemed to me like it happened 12:43
20 at once. It was very frightening to me, so kind 12:43
21 of -- to me it feels like everything all happened at 12:44
22 the same time. I remember, you know, them rushing 12:44
23 towards me with the beer, offering me beer. I 12:44
24 believe I said, No. But I remember him rushing 12:44
25 towards me. 12:44

1 Q When you say "rushing towards me," what do 12:44
2 you mean? 12:44

3 A By that, I mean I remember him walking, 12:44
4 you know, moving towards me quickly, I wouldn't say 12:44
5 walking, but moving towards me in an extremely quick 12:44
6 and frightening way to where he was in my personal 12:44
7 space, very close. 12:44

8 Q This is Mr. Johnston or Mr. Blakeman? 12:44

9 A I remember Mr. Johnston doing it. 12:44
10 Mr. Blakeman was close to me as well. 12:44

11 Q Did Mr. Johnston have anything in his 12:44
12 hands? 12:44

13 A He -- I think that he had a can of beer in 12:44
14 his hands, I don't remember if he entered with the 12:45
15 can of beer or if he pulled out the can of beer, I 12:45
16 don't know at what point that can of beer was in his 12:45
17 hands. But I do remember him shaking up the can of 12:45
18 beer and spraying it on my arm and my camera. 12:45

19 Q Did Mr. Blakeman have anything besides the 12:45
20 camera and tripod in his hands? 12:45

21 A He may have had; I don't know. 12:45

22 Q It was just one can of beer -- I heard 12:45
23 mention of I thought a case of beer. Was there a 12:45
24 case of beer somewhere? 12:45

25 A At this moment it's hard for me to 12:45

1 remember. I believe in the complaint I think it 12:45
2 says a case of beer. I do remember him throwing a 12:45
3 lot of beer down, like chugging the beers and 12:45
4 throwing them down. 12:45

5 Q Empty cans you mean? 12:45

6 A I don't think they were empty. I think 12:45
7 that he was just taking one sip and throwing them 12:45
8 down on the floor in an attempt to spray beer and 12:45
9 intimidate as well. 12:46

10 Q Did -- this is Mr. Johnston you're talking 12:46
11 about? 12:46

12 A Yes. 12:46

13 Q Did Mr. Johnston ever say any words to you 12:46
14 like, Take that, or any kind of challenging words or 12:46
15 anything like that to you that you can recall? 12:46

16 A He said a lot of things to me that were 12:46
17 very traumatic and so it's hard for me to recall 12:46
18 everything. 12:46

19 What I'm remembering right now is I 12:46
20 remember -- I remember Mr. Blakeman very, very close 12:46
21 to my face with the camera, you know, and I remember 12:46
22 being extremely frightened and, you know, kind of 12:46
23 frozen. And I remember asking him, you know, Why 12:46
24 are you filming me? 12:46

25 Q The positioning of everything, when they 12:46

1 came in, were they off to your left, to your right, 12:46

2 in front of you, behind you? 12:46

3 A The positioning for me is hard for me to 12:47

4 remember. I'm pretty sure they weren't behind me 12:47

5 obviously. But as to like specifically where in the 12:47

6 front it's hard for me to remember at this time. 12:47

7 Q How soon after you first saw them on the 12:47

8 patio there did Mr. Johnston, for instance, say, 12:47

9 Woo-hoo, L.A. Times, or whatever he said? 12:47

10 A To me, it's, again -- it was very 12:47

11 traumatic and it seemed like everything all happened 12:47

12 at once. 12:47

13 And, you know, it's hard for me to -- to 12:47

14 remember the event in slow motion, I guess, is what 12:47

15 you're trying to get me to do. But it all seemed to 12:47

16 happen very quickly. 12:47

17 Q Did he come in and say this thing and then 12:47

18 immediately he was shaking a beer can while he did 12:47

19 it and opened it; if you can tell me how that 12:48

20 happened. 12:48

21 A Yeah, it seemed -- from what I can 12:48

22 remember, what it seemed like was, you know, they 12:48

23 entered the fort in a hostile manner, it seemed like 12:48

24 that's when they were pretending to forge a 12:48

25 celebration for the L.A. Times, and then proceeded 12:48

1 to rush towards me with a can of beer. And it all 12:48
2 happened very quickly, what it seemed like to me. 12:48
3 Q Just ask for your recollection, that's all 12:48
4 I can get. 12:48
5 Was it within -- did it all occur within a 12:48
6 minute or less than five seconds, if you can tell 12:48
7 me? 12:48
8 A I can't tell you that, I don't know. 12:48
9 Q Was it within a minute do you think of 12:48
10 their entering, or five minutes or? 12:48
11 MR. FRANKLIN: Vague and ambiguous. 12:48
12 THE WITNESS: It's hard for me to say. It 12:48
13 just seems like it happened very fast. 12:48
14 BY MR. DIEFFENBACH: 12:48
15 Q Can you estimate for me how long the 12:48
16 entire episode of involving you and Mr. Johnston, 12:48
17 Mr. Blakeman, lasted that you were at the patio and 12:49
18 they were there and something was going on that day, 12:49
19 the February 13th encounter? 12:49
20 A From the moment they entered until he went 12:49
21 into the water? 12:49
22 Q Yeah, while you were at the -- while you 12:49
23 were near them and they were near you, how long did 12:49
24 that last? Was it a matter of just a minute or was 12:49
25 it ten minutes or? 12:49

1 A I'm not quite sure, you know, what you're 12:49
2 asking me specifically because a lot of stuff 12:49
3 happened. So if you're asking me from the time that 12:49
4 they entered the fort to the time Blakeman went to 12:49
5 go sit on the roof and Mr. Johnston went in the 12:49
6 water? 12:49

7 Q Sure, that's fine. 12:49

8 A It seemed like awhile but it's hard for me 12:49
9 to quantify the exact amount of time because I was 12:49
10 really scared and I was just frozen in fear, I 12:49
11 really couldn't think straight, so it seemed like 12:49
12 forever to me. 12:49

13 Q And the beer incident, you said 12:49
14 Mr. Johnston shook up the can of beer and -- is that 12:50
15 correct? 12:50

16 A Yes. 12:50

17 Q And you remember him shaking it like he 12:50
18 was trying to make it foamy or whatever? 12:50

19 A Yeah. He did it all very, very quickly is 12:50
20 what I remember. 12:50

21 Q And he was standing near you or far away 12:50
22 from you when he opened the beer? 12:50

23 A I think that -- I think that he was pretty 12:50
24 near me. I mean, it seemed like he was near me. 12:50

25 Q Can you estimate how close he was? 12:50

1 A Again, that's hard for me to do. I think 12:50
2 that he may have leaned into me as he was trying to 12:50
3 do this. 12:50

4 Q When he opened the beer, was he standing 12:50
5 on one side or the other of you, do you remember, or 12:50
6 in front of you or whatever? 12:50

7 A Yeah, I don't remember exactly. I 12:50
8 think -- I mean, I know he was facing me. 12:50

9 Q Did he open the beer with his left hand or 12:51
10 his right hand, do you recall? 12:51

11 A No, I don't recall that type of detail. 12:51

12 Q Or what hand he was holding the beer in? 12:51

13 A No, I don't recall that at all. 12:51

14 Q Did he extend his arms as he opened it 12:51
15 towards you or did he just open the beer? 12:51

16 A I don't remember. 12:51

17 Q And you said some beer came out. And 12:51
18 describe -- 12:51

19 A Some beer what? 12:51

20 Q Some beer came out of the can; right, when 12:51
21 he opened it? 12:51

22 A Yes, there was a spray, a large spray of 12:51
23 beer. 12:51

24 Q Was it -- have you ever opened a soda that 12:51
25 was shaken up or opened a beer that was shaken up 12:51

1 and it sort of, it's like a fountain, was it like 12:51
2 that? Or was it just a -- describe the spray, I 12:51
3 guess. 12:51
4 A I haven't opened a beer that's done that 12:51
5 but I've opened a soda that's done that. But from a 12:51
6 bottle. 12:51
7 Yeah, I mean, it was a lot of spray on my 12:51
8 arm and my camera. I mean, it felt like he poured 12:52
9 it on me but, again, it happened so quickly. 12:52
10 Q Where did the beer land on you? 12:52
11 A From what I remember, you know, it landed 12:52
12 all over my arm. 12:52
13 Q Which one? 12:52
14 A I think it was my left arm, I think. 12:52
15 Q Did it -- were you wearing anything on 12:52
16 your arm, or did it just land on your skin? 12:52
17 A I don't remember what I was wearing. 12:52
18 Q Did you have a towel with you that day? 12:52
19 A I don't think so. 12:52
20 Q Can you estimate how much beer landed on 12:52
21 your arm? Were you soaking wet? Was it just a 12:52
22 couple of drops? 12:52
23 A It was definitely more than a couple of 12:52
24 drops, but it's hard for me to estimate the exact 12:52
25 amount. 12:52

1 Q What about your camera, what kind of 12:52
2 camera was it? 12:53
3 A It was a Cannon 5D Mark III. 12:53
4 Q That's a 35-millimeter? 12:53
5 A No, it's a digital camera. 12:53
6 Q I guess I used the old fashioned term, 12:53
7 it's an SLR type camera? 12:53
8 A It's an SLR type camera, yes. 12:53
9 Q Do you remember, did you have it on your 12:53
10 neck, was it on your hand, was it sitting next to 12:53
11 you on a table or something? 12:53
12 A Again, it's hard for me to remember 12:53
13 whether it was on my neck or on the table. I mean, 12:53
14 I do remember the beer getting on it. I think it 12:53
15 might have been sitting on the table, but I'm not 12:53
16 100 percent sure. 12:53
17 Q Where was it in relation to you, was it 12:53
18 over to your right or to your left? 12:53
19 A Again, I don't remember. I just remember 12:53
20 that I think it was pretty close to me. 12:53
21 Q Was it -- if it -- do you remember if it 12:53
22 was on the table, was it laying on the bottom of the 12:53
23 camera like sitting on the table, or was it on its 12:53
24 edge, or was it lens up, lens down? 12:53
25 A No, if it was on the table, you know, I 12:53

1 would assume it was just, you know, just the way 12:53

2 that you put a camera down, just down -- 12:54

3 Q With the lens sticking up horizontally and 12:54

4 the camera body -- bottom of the camera body on the 12:54

5 flat surface? 12:54

6 A Yes. 12:54

7 Q And what part of the camera got beer on 12:54

8 it, do you remember? 12:54

9 A Yeah, I remember that a lot of the body of 12:54

10 the camera got beer on it which was concerning to me 12:54

11 because that's the part that's not waterproof. I 12:54

12 think it got on the lens, too. 12:54

13 Q Did you have something to wipe it off 12:54

14 with, or did you use anything to wipe it off with? 12:54

15 A I don't remember. 12:54

16 Q Did you say anything when that happened, 12:54

17 when the beer sprayed? 12:54

18 A I wish I did say something but I was too 12:54

19 scared. 12:54

20 Q Did Jen say anything? 12:54

21 A I don't remember if she said anything. 12:54

22 Q Do you remember? 12:54

23 A I don't know if she saw it, I don't know 12:54

24 what she saw. 12:54

25 Q Was Charlie Ferrara still around at that 12:54

1 time? 12:55

2 A I think that he was on the roof during the 12:55

3 entire time which I would assume that he saw 12:55

4 everything. 12:55

5 Q Did he say anything that you can recall? 12:55

6 A He didn't say anything. 12:55

7 Q Did Mr. Blakeman say anything that you can 12:55

8 recall? 12:55

9 A I don't remember. I think he was just 12:55

10 recording and, you know, just -- I remember, like I 12:55

11 said, there was a point in time where the camera was 12:55

12 literally, like, right in my face and I felt 12:55

13 extremely, extremely scared. 12:55

14 Q When you say "right in my face," what does 12:55

15 that mean, how close? 12:55

16 A To me, I mean, it seemed like it was, you 12:55

17 know, very, very close. But, again, you know, I was 12:55

18 scared, so it's hard for me to give you an exact 12:55

19 amount as, you know, things sometimes seem closer 12:55

20 than they are when you're scared. 12:55

21 Q You gestured like a foot away, was it that 12:55

22 close? 12:56

23 A Maybe. Maybe a foot, maybe two feet. But 12:56

24 it was close enough to where it felt uncomfortable. 12:56

25 Q Have you told me all the things you can 12:56

1 remember about your encounter with Mr. Blakeman on 12:56
2 the 13th of February? Is there anything else that 12:56
3 we haven't covered? 12:56
4 MR. FRANKLIN: Vague and ambiguous. 12:56
5 BY MR. DIEFFENBACH: 12:56
6 Q That you can recall? 12:56
7 MR. FRANKLIN: Calls for a narrative. 12:56
8 THE WITNESS: There's definitely a lot 12:56
9 more that I haven't told you about the encounter. 12:56
10 BY MR. DIEFFENBACH: 12:56
11 Q Okay. Please tell me what else you can 12:56
12 tell me about that. 12:56
13 A It's hard for me to remember everything. 12:56
14 I can just tell you what I recall at the moment. 12:56
15 But the more questions you ask me the more it helps 12:56
16 me. 12:56

17 Q I wasn't there so I don't know what to ask 12:56
18 you except to ask you to tell me what other things 12:56
19 you can recall about the episode on the 13th 12:56
20 specifically with regard to Mr. Blakeman that you 12:56
21 haven't told me about already. 12:56
22 You told me that he had a camera, that he 12:57
23 took videos, that he looked menacing to you, that he 12:57
24 videotaped or whatever? 12:57
25 A Yeah, I remember that he wouldn't stop 12:57

1 videotaping me. I think I might have asked him to 12:57
2 stop -- I mean, I definitely asked him why they're 12:57
3 doing that. I feel like his role was to record 12:57
4 rather than to speak and to intimidate through his 12:57
5 camera. 12:57

6 So I remember him, like I said, getting 12:57
7 very close to me and being -- felt like he was right 12:57
8 in my face with the camera. I remember asking them 12:57
9 why they're filming me and they said they're filming 12:57
10 me because I'm sexy and because I turn them on and 12:57
11 that was what Mr. Johnston was saying. 12:57

12 Q Did Mr. Blakeman say that? 12:57

13 A I don't remember if Mr. Blakeman said that 12:57
14 or not, but I do remember Mr. Johnston said that. 12:57

15 Q Okay. Anything else? 12:57

16 I mean, I can only ask you for your 12:58
17 memory, I'm not trying to put words in your mouth or 12:58
18 maybe there isn't anything else but I have just have 12:58
19 to say anything else and you tell me? 12:58

20 MR. FRANKLIN: Vague and ambiguous. 12:58

21 THE WITNESS: There's definitely a lot 12:58
22 that happened, it was just very traumatic, so. 12:58

23 You know, I remember him following 12:58
24 Mr. Johnston around as well filming him. There were 12:58
25 points in time where he was close to me, there were 12:58

1 other points in time where he was far away from me. 12:58
2 Eventually, he was on the roof with Charlie, I don't 12:58
3 remember how he got up there. 12:58
4 I remember Mr. Johnston changing. I don't 12:58
5 remember where Mr. Blakeman was at that point, if he 12:58
6 was next to me or not. 12:58
7 I remember, like I said, Mr. Johnston 12:59
8 throwing the cans of beer down and Mr. Blakeman 12:59
9 filming that. And, again, I remember just his 12:59
10 extremely menacing expressions and, you know, the 12:59
11 manner that he was walking around in. 12:59
12 BY MR. DIEFFENBACH: 12:59

13 Q What is a menacing expression to you, what 12:59
14 does that mean? 12:59

15 A I mean, he looked like -- I mean, he 12:59
16 was -- obviously, he was scowling, he was -- his 12:59
17 body language conveyed that he was hostile, he -- I 12:59
18 mean, they were making -- he was making sexual 12:59
19 comments, Mr. Johnston was. And I just felt very 12:59
20 frightened like anything could happen, you know. 13:00

21 Q The hostile body language, was that 13:00
22 Mr. Blakeman doing that, too? 13:00

23 A Yes. 13:00

24 Q What is hostile body language, describe 13:00
25 that if you can. 13:00

1 A You know, stature, someone's stature, 13:00
2 someone's walk, someone's expression. 13:00
3 Q What was it that -- 13:00
4 A You being threatening by getting into 13:00
5 someone's personal space. 13:00
6 Q What stature was employing that was 13:00
7 hostile if you can recall? 13:00
8 A What stature? 13:00
9 Q Hmm-mm. 13:00
10 A I mean, the way that they entered into the 13:00
11 fort even was very -- just it seemed like they had a 13:00
12 lot of built-up anger, like if you ever see people 13:00
13 that are about to fight other people, that's what it 13:01
14 seemed like. 13:01
15 Q Did they fight with you? 13:01
16 A They didn't fight with me but they 13:01
17 definitely had that -- they definitely had that feel 13:01
18 to them; very tense, very hostile, very 13:01
19 intimidating, very threatening, both through body 13:01
20 language, the way that they walked, the way that 13:01
21 they had their facial expression. 13:01
22 Q Okay. Were there any other specifics you 13:01
23 can tell me about any of the other encounters you 13:01
24 had with Mr. Blakeman that you haven't told me 13:01
25 about? 13:01

1 MR. FRANKLIN: Vague and ambiguous. 13:08

2 THE WITNESS: I -- he -- the way that he 13:08

3 injured me mentally has had repercussions that I 13:08

4 have not described. 13:08

5 BY MR. DIEFFENBACH: 13:08

6 Q Tell me about that. 13:08

7 A The way that, you know, through his 13:08

8 behavior of being incredibly hostile and 13:09

9 intimidating and frightening, he's evoked a lot of 13:09

10 fear in me, you know. Obviously, the incident on 13:09

11 February 13th was extremely traumatic and, you know, 13:09

12 it's caused me loss of sleep, it's caused me to be 13:09

13 very fearful. It's had on -- you know, a lot of 13:09

14 effects on me and I definitely attribute him to 13:09

15 that. 13:09

16 And, you know, constantly feeling 13:09

17 threatened by him and feeling as though anything can 13:09

18 happen and feeling harassed and feeling like I just 13:09

19 can't enjoy this beach even though it's public for 13:09

20 everyone. All of his actions has had an effect on 13:09

21 me mentally. 13:09

22 Q Did you ever seek medical care for that? 13:09

23 A I wanted to see a specialist and, you 13:09

24 know, have someone help me, but unfortunately I 13:10

25 couldn't afford it at the time. 13:10

1 A Not that I know of, no. 13:48

2 THE VIDEOGRAPHER: 15 minutes. 13:48

3 MR. CAREY: I'll move quick. 13:48

4 BY MR. CAREY: 13:48

5 Q And how about any communication with 13:48

6 Chris Taloa as to why you should go to Lunada Bay on 13:48

7 February 13th? 13:48

8 A I don't think I had any direct 13:48

9 communication with him at that point. 13:48

10 Q "Him" meaning Chris Taloa? 13:48

11 A Yes. 13:48

12 Q Okay. Now, the -- we've questioned you a 13:48

13 lot -- or they've questioned you a lot about the 13:48

14 exact details, I'm not going to go through that all 13:48

15 over again in the interest of time. I do want to 13:48

16 ask about you some specifics. 13:48

17 A Okay. 13:48

18 Q You just stated at the end of your 13:48

19 questioning with prior counsel for the first time 13:48

20 that my client exposed himself to you during that 13:48

21 incident. Describe exactly what happened. 13:48

22 A It's hard for me to remember all the 13:48

23 details but what I do remember is that while he had 13:48

24 a towel on himself there was a moment when it seemed 13:48

25 that he intentionally exposed his penis to me while 13:49

1 he was changing. 13:49

2 Q So he was changing into his wetsuit? 13:49

3 A He was in the process of doing that. 13:49

4 Q And he had a towel around his waist? 13:49

5 A I believe so; yes. 13:49

6 Q Have you changed in a wetsuit on a beach 13:49

7 before? 13:49

8 A I've changed many times. 13:49

9 Q What's the purpose of putting a towel 13:49

10 around you on the beach while changing into your 13:49

11 wetsuit? 13:49

12 A To cover yourself up. 13:49

13 Q The -- you said you believe that he 13:49

14 intentionally flashed himself at you -- I'm sorry I 13:49

15 used the word "flash" but you didn't use that word, 13:49

16 but can you describe exactly what you saw? 13:49

17 A I mean, I remember -- I think he was 13:49

18 facing me which is odd because usually when people 13:49

19 change in their wetsuits, they try to face away from 13:49

20 you. And, again, it seemed like it happened very 13:50

21 quickly and combined with, you know, the yelling and 13:50

22 the comments and the moaning, you know, I remember 13:50

23 there was a moment when he seemed like he 13:50

24 purposefully removed his towel in order to expose 13:50

25 himself. 13:50

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Certification of Court Reporter

Federal Jurat

I, the undersigned, a Certified Shorthand Reporter of the State of California do hereby certify:

That the foregoing proceedings were taken before me at the time and place herein set forth; that any witnesses in the foregoing proceedings, prior to testifying, were placed under oath; that a verbatim record of the proceedings was made by me using machine shorthand which was thereafter transcribed under my direction; further, that the foregoing is an accurate transcription thereof.

That before completion of the deposition, a review of the transcript [x] was [] was not requested. I further certify that I am neither financially interested in the action nor a relative or employee of any attorney of any of the parties.

IN WITNESS WHEREOF, I have this date subscribed my name.

Dated: November 7, 2016



Jimmy Rodriguez, RPR

Certificate Number 13464

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION

CORY SPENCER, an individual; DIANA))
MILENA REED, an individual; and))
COASTAL PROTECTION RANGERS, INC., a))
California non-profit public benefit))
corporation,)) Case No.
) 2:16-cv-02129-SJO-RAO
Plaintiffs,))
)
vs.))
)
LUNADA BAY BOYS, et al.,))
)
Defendants.))
)

VIDEOTAPED DEPOSITION OF DIANA MILENA REED
Santa Monica, California
Monday, October 24, 2016

REPORTED BY:
Jimmy S. Rodriguez
CSR No. 13464

1 sentence it says you wanted to paddle out to 11:49
2 experience the large waves found off Lunada Bay. 11:49
3 In this sentence in your complaint here, 11:49
4 did you mean that you wanted to go out and try to 11:49
5 surf or you just wanted to paddle off to -- paddle 11:49
6 out to see what the waves looked like? 11:49
7 MR. FRANKLIN: Vague and ambiguous. 11:49
8 THE WITNESS: I wanted to paddle out to 11:49
9 surf. 11:49
10 BY MS. HEWITT: 11:49
11 Q Did you intend to surf? 11:49
12 A I did intend to surf, yes. 11:49
13 Q Did you feel prepared that day to catch a 11:49
14 big wave, whatever you thought was a big wave that 11:49
15 day? 11:49
16 A I felt prepared that day to attempt to 11:49
17 catch some of the waves on the inside for the 11:49
18 conditions that were out that day. 11:49
19 Q How did you decide to go to Lunada Bay 11:49
20 that day? 11:49
21 A I don't remember specifically how I 11:49
22 decided to go to Lunada Bay that day. I would 11:50
23 assume that the swell -- there was a good swell and 11:50
24 it wasn't, you know, too big, you know, and it was a 11:50
25 size that was something that I could try and 11:50

1 attempt. 11:50

2 Q I think earlier we decided that we weren't 11:50

3 sure whether or not you'd been to Lunada Bay before 11:50

4 that day. 11:50

5 A I didn't say that. 11:50

6 Q My fault. 11:50

7 Had you been to Lunada Bay before 11:50

8 January 29, 2016? 11:50

9 A I had been to the top of the bluff. 11:50

10 Q Top of the bluff, okay. 11:50

11 Do you remember -- is it like towards the 11:50

12 beginning of January, middle of January? 11:50

13 A It was towards the beginning of January. 11:50

14 I think that it was around the 6th of January 11:50

15 approximately. 11:50

16 Q And before that time on approximately the 11:50

17 6th of January, had you ever been to the top of the 11:50

18 bluff at Lunada Bay before? 11:50

19 A I don't think so. I may have at one point 11:51

20 driven up the coast looking at the coast, but I 11:51

21 don't know if I stopped at Lunada Bay or not. And 11:51

22 that wasn't for surfing. It was for scenic reasons. 11:51

23 Q Okay. Just to be clear so I don't get it 11:51

24 wrong again: Before January 6, 2016, had you ever 11:51

25 been down to the beach at Lunada Bay? 11:51

1 A I didn't go down to the beach on 11:51
2 January 6th. 11:51
3 Q I understand that, I'm just making sure 11:51
4 before that date you had never gone to the beach 11:51
5 there? 11:51
6 A No. 11:51
7 Q And had you ever stopped at Lunada Bay at 11:51
8 all before January 6, 2016? 11:51
9 MR. FRANKLIN: Asked and answered. 11:52
10 THE WITNESS: Yeah, I may have when I was 11:52
11 looking at the coast, I don't know. 11:52
12 BY MS. HEWITT: 11:52
13 Q Okay. So in January 6, 2016, where did 11:52
14 you stop on the bluff? 11:52
15 A I went there to watch my friend surf. 11:52
16 Q Who was that? 11:52
17 A It was a big day. Much too big for me. 11:52
18 So I just went there to watch. 11:52
19 Q Who was your friend? 11:52
20 A Well, my friend Jordan Wright, boyfriend, 11:52
21 and his friends. 11:52
22 Q Who was his friends that you went to 11:52
23 watch? 11:52
24 A One of them was my friend Preston, I don't 11:52
25 remember his last name. A friend of Jordan's called 11:52

1 Q Okay. So in June, would you have been 12:57
2 about four and a half months pregnant or so? 12:57
3 A I don't know. I would have to calculate 12:57
4 it, I don't remember. 12:57
5 Q Do you remember being pregnant when you 12:57
6 were surfing in June, though? 12:57
7 A Yes, hmm-mm. 12:57
8 Q When was the last time you've been 12:57
9 surfing? 12:57
10 A That was about the last time. 12:57
11 Q All right. So, going back to February 5, 12:57
12 2016, I believe you told me that you went to 12:58
13 Lunada Bay to take photos of Jordan; is that 12:58
14 correct? 12:58
15 A Yes. 12:58
16 Q What made Jordan decide to go that day, to 12:58
17 go surf? 12:58
18 A You know, I don't remember what his reason 12:58
19 was to go that day. I just remember accompanying 12:58
20 him to take photos. 12:58
21 Q Did you talk to anybody at the L.A. Times 12:58
22 before February 5, 2016? 12:58
23 A I don't think so, no. 12:58
24 Q Do you have any idea as you sit here today 12:58
25 how the writer and photographer from the 12:58

1 A So I can't say one way or the other. 13:10

2 Q I'm not asking you to say one way or the 13:10

3 other. I'm asking you to state if right now you 13:10

4 have a memory of being intimidated by someone on top 13:10

5 of the bluff. 13:10

6 MR. FRANKLIN: Vague and ambiguous. 13:10

7 THE WITNESS: I would have to think about 13:10

8 it more, I just don't know. 13:10

9 BY MS. HEWITT: 13:10

10 Q Do you remember that right now? 13:10

11 MR. FRANKLIN: Vague and ambiguous. 13:10

12 THE WITNESS: Right now, I don't remember 13:10

13 what happened on top of the bluff much, so it would 13:10

14 be hard for me to make that -- sorry. 13:10

15 BY MS. HEWITT: 13:10

16 Q Do you recall any vandalism that day? 13:10

17 A I don't recall vandalism on February 5th. 13:10

18 Q Did the police escort you down the bluff 13:10

19 that day? 13:10

20 A I don't know. 13:10

21 Q You don't remember? 13:10

22 A I don't remember. 13:10

23 Q Okay. Going to February 13th, as 13:10

24 described in your complaint, why did you decide to 13:11

25 go to Lunada Bay on February 13th? 13:11

1 A You know, I don't remember the specific 13:11
2 reasons, but I think that Jordan wanted to go surf 13:11
3 that day and I couldn't surf; so like I said, if I'm 13:11
4 not surfing I like to take photos so it was my 13:11
5 reason for going. 13:11

6 Q Has Jordan as far as you know ever wanted 13:11
7 to go surf at Lunada Bay and has decided not to 13:11
8 because of any localism there? 13:11

9 MR. FRANKLIN: Vague and ambiguous, calls 13:11
10 for speculation. 13:11

11 THE WITNESS: Well, I was with him on 13:11
12 January 29, 2016, when we decided not to surf. 13:11

13 BY MS. HEWITT: 13:11

14 Q Prior to going on a particular day did you 13:11
15 decide to stay home because of any localism issues? 13:11

16 MR. FRANKLIN: Vague and ambiguous. 13:11

17 THE WITNESS: Well, I mean if there wasn't 13:11
18 localism there I would have been surfing there all 13:11
19 winter as often as I surf in Malibu and Ventura and 13:12
20 other places, so yeah, I would be there as often as 13:12
21 it was good. 13:12

22 BY MS. HEWITT: 13:12

23 Q Jordan specifically -- sorry, that was my 13:12
24 fault for a vague question. 13:12

25 Do you have any recollection of instances 13:12

1 Q It's F-a-l-k? Spelled F-a-l-k, Falk? 13:24

2 A No, Fox, like the animal fox, F-o-x. 13:24

3 Yeah, Tyler Fox, he got fourth place in Mavericks, I 13:24

4 believe, this year. 13:24

5 MR. DIEFFENBACH: Thanks. That's all I 13:24

6 have, thanks. 13:24

7 MR. FIELDS: Briefly. 13:24

8 Off the record. 13:25

9 THE VIDEOGRAPHER: We are now off the 13:25

10 record. The time is 1:25 p.m. 13:25

11 (Break taken.) 13:30

12 THE VIDEOGRAPHER: We're now back on the 13:32

13 record. The time is 1:32 p.m. 13:32

14 13:32

15 EXAMINATION 13:32

16 BY MR. FIELDS: 13:32

17 Q Good afternoon, Ms. Reed, you realize 13:32

18 you're still under oath? 13:32

19 A Yes. 13:32

20 Q Have you ever met Angelo Ferrara? 13:32

21 A I don't recall if I've met him. And, 13:32

22 again, I'm not sure what you mean by "meet," do you 13:32

23 mean by seeing him? 13:32

24 Q Let's start with that, have you ever seen 13:32

25 him? 13:32

1 A I'm not sure if I've seen him or not. 13:32

2 Q If you were to walk into the room, would 13:32

3 you recognize him? 13:32

4 A Yeah, I know what he looks like. 13:32

5 Q What does he look like? 13:32

6 A An older man, middle-aged man, not very 13:32

7 distinguishable, grayish hair. 13:32

8 Q Any sense of his height? 13:32

9 A I don't know his height. 13:32

10 Q Do you know whether he's closer to 5-5 or 13:32

11 6-5? 13:32

12 A I would assume that he's probably closer 13:32

13 to like 5-10 -- not 5-10, but 5-11 to six-foot, I'm 13:33

14 not sure, that's a guess. 13:33

15 Q How do you know that anyone that you've 13:33

16 seen is Angelo Ferrara; has he ever introduced 13:33

17 himself to you? 13:33

18 A He has not introduced himself to me. 13:33

19 Q Has anyone pointed him out and said, 13:33

20 That's Angelo Ferrara? 13:33

21 A I don't recall anyone doing that. 13:33

22 Q So what makes you think that if someone 13:33

23 walked in the door you would know whether he'd be 13:33

24 Angelo Ferrara versus any other member of the human 13:33

25 race? 13:33

1 A I don't know, I would do my best. 13:33

2 Q Have you ever -- have you ever personally 13:33

3 been harassed by in any manner by Angelo Ferrara? 13:33

4 A I don't think I've had any personal 13:33

5 interactions with him that I know of. 13:33

6 Q Have you ever heard of -- has anyone told 13:33

7 you that they either have been harassed by 13:33

8 Angelo Ferrara or have known of situations where 13:33

9 Angelo Ferrara harassed anybody? 13:34

10 MR. FRANKLIN: Vague, ambiguous. 13:34

11 THE WITNESS: I've heard various things in 13:34

12 the surf community. You know, I've also relied on 13:34

13 the investigation of my attorneys. 13:34

14 BY MR. FIELDS: 13:34

15 Q Other than what your attorneys have told 13:34

16 you, what have you heard in the surf community about 13:34

17 what Angelo Ferrara may have done whether it's 13:34

18 harassing or assault or any type of the wrongful 13:34

19 acts alleged in the complaint? 13:34

20 A I mean, I've talked to Charlie Ferrara and 13:34

21 I've had several conversations with him. Charlie 13:34

22 told me that the harassment has been continuing for 13:34

23 a very long time. He told me that -- that Angelo 13:34

24 and his brother were some of the original Bay Boys 13:34

25 and that they're all a family and that they're all, 13:34

1 you know, an organized family that tries to harass 13:35
2 outsiders by making their surf experience 13:35
3 unpleasant. 13:35

4 Q Did he use Angelo's name? 13:35

5 A I believe so. I believe that he used his 13:35
6 parents names -- his parents and uncle's name. 13:35

7 Q Other than what Charlie Ferrara told you, 13:35
8 anyone else tell you anything about Angelo Ferrara 13:35
9 doing anything improper? 13:35

10 A I've heard stuff from Chris Taloa, and 13:35
11 like I said I've heard various things in the surf 13:35
12 community from various people that I -- I can't 13:35
13 recall their names. 13:35

14 Q What did Chris Taloa tell you about 13:35
15 Angelo Ferrara? 13:35

16 A I don't specifically remember what he told 13:35
17 me. I do remember that -- that he told me he's part 13:35
18 of the Bay Boys and that he's one of the main people 13:36
19 that organizes the harassment and threats and 13:36
20 violence that goes on there. 13:36

21 Q So Chris Taloa told you that 13:36
22 Angelo Ferrara is one of the main people who 13:36
23 organizes the threats and harassment? 13:36

24 A He said something along those lines. 13:36

25 Q Do you recall anything -- any more detail 13:36

1 was calling, you know, one of the attempts to come 11:19
2 in to identify the photos. 11:19
3 Q Okay. 11:19
4 A The suspects. 11:19
5 Q Did you say that was a female that you 11:19
6 talked to then? 11:19
7 A No, it was not a female. 11:19
8 Q Do you recall the name of that person now 11:19
9 who told you that? 11:19
10 A I don't unfortunately. I remember it was 11:19
11 a man but I don't remember his name. 11:19
12 Q Did you ever tape record or record in any 11:19
13 way any conversations you had with anybody at the 11:19
14 City of Palos Verdes Estates? 11:19
15 A No. 11:19
16 Q Did anybody who was with you as far as you 11:19
17 know ever tape record or record any conversations 11:19
18 that were had with anybody at the City of 11:19
19 Palos Verdes Estates Police Department? 11:20
20 A Not that I know of, no. 11:20
21 Q Who recorded the conversation that you 11:20
22 provided to us today with Ferrara? 11:20
23 A My phone. 11:20
24 Q Did you ask Mr. Ferrara if it was okay to 11:20
25 record? 11:20

1 MR. FRANKLIN: Vague and ambiguous. 11:20

2 THE WITNESS: I did not ask Mr. Ferrara if 11:20

3 it was okay to record because he was recording me as 11:20

4 well. 11:20

5 BY MS. HEWITT: 11:20

6 Q Okay. Okay. Following the conversation 11:20

7 with Chief Kepley, did you have any expectation of 11:20

8 further action that was going to be taken? 11:20

9 A Following the conversation? 11:20

10 Q (Nods head.) 11:20

11 A Yeah, I assumed that I would be able to 11:20

12 finally try and identify those individuals. 11:20

13 Q Okay. And were you able to do that? 11:20

14 A Eventually, yeah, after calling repeated 11:20

15 times, after meeting with Mr. Kepley, eventually I, 11:21

16 you know -- I don't know how I found out about it if 11:21

17 it was through my attorneys or if someone contacted 11:21

18 me directly, but eventually I came in to identify 11:21

19 the suspects, yes. Just one of them. 11:21

20 Q Okay. So the answer was "yes"? 11:21

21 MR. FRANKLIN: Vague as to time. 11:21

22 THE WITNESS: The answer was that 11:21

23 eventually, yes, I was provided with the opportunity 11:21

24 to identify one of the suspects. 11:21

25 ///

1 A Maybe. I mean, it's hard for me to say, 12:36
2 but I mean, we weren't -- 12:36
3 MR. FRANKLIN: Five feet. 12:36
4 MR. DIEFFENBACH: Five feet, okay. 12:36
5 THE WITNESS: Maybe five feet. I mean, I 12:36
6 remember she wasn't right next to me. 12:36
7 BY MR. DIEFFENBACH: 12:36
8 Q How far was Mr. Charlie Ferrara from 12:36
9 where you and Jen -- 12:36
10 A Charlie was sitting on the roof. 12:37
11 Q Okay. 12:37
12 A Not of the bluff, but of the fort. 12:37
13 Q Were you near him? 12:37
14 A I wasn't on the roof, no, so I wasn't near 12:37
15 him. 12:37
16 Q How many feet between you and Charlie? 12:37
17 A Again, it's hard for me to estimate 12:37
18 because I haven't been to the fort in some time, but 12:37
19 I know our relative locations. You know, he was on 12:37
20 the fort on the roof, and I was towards the end 12:37
21 where there's like a little carved seating area. 12:37
22 Q The patio is there, whatever it is? 12:37
23 A Yeah, kind of near the back table. 12:37
24 Q Was Charlie closer to you or farther away 12:37
25 from you than you were to Jen? 12:37

1 A I don't know. Again, I've blocked a lot 13:50
2 of this out because I've lost a lot of sleep over it 13:50
3 and it was very traumatic to me, but I do remember 13:51
4 him spraying beer on my arm and on the camera. 13:51

5 Q Was your camera damaged? 13:51

6 A Thankfully, the camera was not damaged. 13:51
7 You know, I remember there were drops of beer all 13:51
8 over it, but I do remember that it still continued 13:51
9 to work, so... 13:51

10 Q Were you filming this event at all, or 13:51
11 recording it? 13:51

12 A No, I was not. 13:51

13 Q Was anybody else as far as you're aware 13:51
14 filming or recording this event? 13:51

15 A Mr. Blakeman was filming the event. 13:51

16 Q How did you find that out? 13:51

17 A He had a camera that was pointed at me 13:51
18 during the -- during the event, but I don't know, 13:52
19 you know, how much of it he was filming or wasn't 13:52
20 filming. I don't know if he was recording or not. 13:52
21 But I do remember that there were instances where he 13:52
22 had a camera close to my face. 13:52

23 Q And was it only Mr. Blakeman that had the 13:52
24 camera? 13:52

25 A He's the only person that I remember to be 13:52

1 on, you know, why -- why they're here -- undercover
2 videos, but I don't know the sources or anything. I
3 did see them.

4 Q As you sit here right now, any other
5 videos that you recall seeing?

6 A Not at this time.

7 Q Do you know who Michael Papayans is?

8 A I know that's a name that's popped up a
9 lot in Lunada Bay. I know he's allegedly a Bay Boy,
10 and I've heard it but ...

11 Q I'm sorry. Go ahead. Are you finished?

12 A I'm finished.

13 Q Thank you.

14 To your knowledge, have you ever seen
15 Michael Papayans?

16 A Not that I can recall.

17 Q To your knowledge, have you ever seen
18 one of the other defendants named in this case,
19 Alan Johnston?

20 A I don't know if I've seen him or not.

21 Q These incidents that you've described at
22 Lunada Bay, it appears that you were able to identify
23 by name two individuals, and you've talked about them
24 today, Mr. Blakeman and Mr. Lee.

25 Now, just so I understand correctly,

1 sentence it says you wanted to paddle out to 11:49
2 experience the large waves found off Lunada Bay. 11:49
3 In this sentence in your complaint here, 11:49
4 did you mean that you wanted to go out and try to 11:49
5 surf or you just wanted to paddle off to -- paddle 11:49
6 out to see what the waves looked like? 11:49
7 MR. FRANKLIN: Vague and ambiguous. 11:49
8 THE WITNESS: I wanted to paddle out to 11:49
9 surf. 11:49
10 BY MS. HEWITT: 11:49
11 Q Did you intend to surf? 11:49
12 A I did intend to surf, yes. 11:49
13 Q Did you feel prepared that day to catch a 11:49
14 big wave, whatever you thought was a big wave that 11:49
15 day? 11:49
16 A I felt prepared that day to attempt to 11:49
17 catch some of the waves on the inside for the 11:49
18 conditions that were out that day. 11:49
19 Q How did you decide to go to Lunada Bay 11:49
20 that day? 11:49
21 A I don't remember specifically how I 11:49
22 decided to go to Lunada Bay that day. I would 11:50
23 assume that the swell -- there was a good swell and 11:50
24 it wasn't, you know, too big, you know, and it was a 11:50
25 size that was something that I could try and 11:50

1 attempt. 11:50

2 Q I think earlier we decided that we weren't 11:50

3 sure whether or not you'd been to Lunada Bay before 11:50

4 that day. 11:50

5 A I didn't say that. 11:50

6 Q My fault. 11:50

7 Had you been to Lunada Bay before 11:50

8 January 29, 2016? 11:50

9 A I had been to the top of the bluff. 11:50

10 Q Top of the bluff, okay. 11:50

11 Do you remember -- is it like towards the 11:50

12 beginning of January, middle of January? 11:50

13 A It was towards the beginning of January. 11:50

14 I think that it was around the 6th of January 11:50

15 approximately. 11:50

16 Q And before that time on approximately the 11:50

17 6th of January, had you ever been to the top of the 11:50

18 bluff at Lunada Bay before? 11:50

19 A I don't think so. I may have at one point 11:51

20 driven up the coast looking at the coast, but I 11:51

21 don't know if I stopped at Lunada Bay or not. And 11:51

22 that wasn't for surfing. It was for scenic reasons. 11:51

23 Q Okay. Just to be clear so I don't get it 11:51

24 wrong again: Before January 6, 2016, had you ever 11:51

25 been down to the beach at Lunada Bay? 11:51

1 A I didn't go down to the beach on 11:51
2 January 6th. 11:51
3 Q I understand that, I'm just making sure 11:51
4 before that date you had never gone to the beach 11:51
5 there? 11:51
6 A No. 11:51
7 Q And had you ever stopped at Lunada Bay at 11:51
8 all before January 6, 2016? 11:51
9 MR. FRANKLIN: Asked and answered. 11:52
10 THE WITNESS: Yeah, I may have when I was 11:52
11 looking at the coast, I don't know. 11:52
12 BY MS. HEWITT: 11:52
13 Q Okay. So in January 6, 2016, where did 11:52
14 you stop on the bluff? 11:52
15 A I went there to watch my friend surf. 11:52
16 Q Who was that? 11:52
17 A It was a big day. Much too big for me. 11:52
18 So I just went there to watch. 11:52
19 Q Who was your friend? 11:52
20 A Well, my friend Jordan Wright, boyfriend, 11:52
21 and his friends. 11:52
22 Q Who was his friends that you went to 11:52
23 watch? 11:52
24 A One of them was my friend Preston, I don't 11:52
25 remember his last name. A friend of Jordan's called 11:52

1 Q Okay. So in June, would you have been 12:57
2 about four and a half months pregnant or so? 12:57
3 A I don't know. I would have to calculate 12:57
4 it, I don't remember. 12:57
5 Q Do you remember being pregnant when you 12:57
6 were surfing in June, though? 12:57
7 A Yes, hmm-mm. 12:57
8 Q When was the last time you've been 12:57
9 surfing? 12:57
10 A That was about the last time. 12:57
11 Q All right. So, going back to February 5, 12:57
12 2016, I believe you told me that you went to 12:58
13 Lunada Bay to take photos of Jordan; is that 12:58
14 correct? 12:58
15 A Yes. 12:58
16 Q What made Jordan decide to go that day, to 12:58
17 go surf? 12:58
18 A You know, I don't remember what his reason 12:58
19 was to go that day. I just remember accompanying 12:58
20 him to take photos. 12:58
21 Q Did you talk to anybody at the L.A. Times 12:58
22 before February 5, 2016? 12:58
23 A I don't think so, no. 12:58
24 Q Do you have any idea as you sit here today 12:58
25 how the writer and photographer from the 12:58

1 A So I can't say one way or the other. 13:10

2 Q I'm not asking you to say one way or the 13:10

3 other. I'm asking you to state if right now you 13:10

4 have a memory of being intimidated by someone on top 13:10

5 of the bluff. 13:10

6 MR. FRANKLIN: Vague and ambiguous. 13:10

7 THE WITNESS: I would have to think about 13:10

8 it more, I just don't know. 13:10

9 BY MS. HEWITT: 13:10

10 Q Do you remember that right now? 13:10

11 MR. FRANKLIN: Vague and ambiguous. 13:10

12 THE WITNESS: Right now, I don't remember 13:10

13 what happened on top of the bluff much, so it would 13:10

14 be hard for me to make that -- sorry. 13:10

15 BY MS. HEWITT: 13:10

16 Q Do you recall any vandalism that day? 13:10

17 A I don't recall vandalism on February 5th. 13:10

18 Q Did the police escort you down the bluff 13:10

19 that day? 13:10

20 A I don't know. 13:10

21 Q You don't remember? 13:10

22 A I don't remember. 13:10

23 Q Okay. Going to February 13th, as 13:10

24 described in your complaint, why did you decide to 13:11

25 go to Lunada Bay on February 13th? 13:11

1 A You know, I don't remember the specific 13:11
2 reasons, but I think that Jordan wanted to go surf 13:11
3 that day and I couldn't surf; so like I said, if I'm 13:11
4 not surfing I like to take photos so it was my 13:11
5 reason for going. 13:11

6 Q Has Jordan as far as you know ever wanted 13:11
7 to go surf at Lunada Bay and has decided not to 13:11
8 because of any localism there? 13:11

9 MR. FRANKLIN: Vague and ambiguous, calls 13:11
10 for speculation. 13:11

11 THE WITNESS: Well, I was with him on 13:11
12 January 29, 2016, when we decided not to surf. 13:11

13 BY MS. HEWITT: 13:11

14 Q Prior to going on a particular day did you 13:11
15 decide to stay home because of any localism issues? 13:11

16 MR. FRANKLIN: Vague and ambiguous. 13:11

17 THE WITNESS: Well, I mean if there wasn't 13:11
18 localism there I would have been surfing there all 13:11
19 winter as often as I surf in Malibu and Ventura and 13:12
20 other places, so yeah, I would be there as often as 13:12
21 it was good. 13:12

22 BY MS. HEWITT: 13:12

23 Q Jordan specifically -- sorry, that was my 13:12
24 fault for a vague question. 13:12

25 Do you have any recollection of instances 13:12

1 from? 13:56

2 A I've heard about him from various people 13:56

3 in the surf community. I don't remember all their 13:56

4 names. 13:57

5 Q Do you remember any of their names? 13:57

6 A I do remember hearing about him from 13:57

7 Chris Taloa, I don't know whether or not Jordan told 13:57

8 me about him. 13:57

9 Q Have you seen defendant Sang Lee in 13:57

10 Lunada Bay? 13:57

11 A I don't know if I've personally seen him. 13:57

12 Q Let me ask you this: Would you be able to 13:57

13 identify him if he came into the room right now? 13:57

14 A I think so. 13:57

15 Q How would you describe his physical 13:57

16 characteristics? 13:57

17 A Asian, thin, brown hair, brown eyes. 13:57

18 Q Did you see him at Lunada Bay on 13:57

19 January 29, 2016? 13:57

20 A I'm not sure if I saw him or not on the 13:57

21 29th. I may have seen him in the fort but I'm not 13:57

22 sure. Far away. 13:57

23 Q You can't testify today that you saw him 13:57

24 in the fort on January 29, 2016; is that correct? 13:57

25 A Yeah, I don't remember. 13:57

1 Q Did you see Sang Lee in Lunada Bay on, I 13:57
2 think, February 5th or 6th 2016? 13:58
3 A No, I did not. 13:58
4 Q Did you see Sang Lee in Lunada Bay on 13:58
5 February 13, 2016? 13:58
6 A No, I did not. 13:58
7 Q Has Sang Lee ever approached you? 13:58
8 A I don't think so. 13:58
9 Q Has Sang Lee ever made physical contact 13:58
10 with you? 13:58
11 A I don't think so, no. 13:58
12 Q Have you ever personally felt physically 13:58
13 threatened by Sang Lee? 13:58
14 MR. FRANKLIN: Objection, vague and 13:58
15 ambiguous. 13:58
16 THE WITNESS: I haven't personally had any 13:58
17 interaction with him that I know of, that I can 13:58
18 remember. 13:58
19 THE VIDEOGRAPHER: Five minutes. 13:58
20 BY MS. LUTZ: 13:58
21 Q Has Sang Lee caused you to lose any sleep? 13:58
22 A Not Sang Lee specifically. 13:58
23 Q You mentioned earlier that you knew Rory 13:58
24 Carroll and Noah Smith; is that correct? 13:58
25 A I know who they are and I have spoken to 13:58

1 Q To Michael Papayans, yes. 14:00

2 A I couldn't really tell you. Between maybe 14:00

3 two and three videos. 14:00

4 Q And these are videos that Chris Taloa 14:00

5 showed you? 14:00

6 A That he took, yes. 14:00

7 Q To your knowledge, does Chris Taloa still 14:00

8 have those videos? 14:00

9 A I don't know if he still has them, I would 14:00

10 assume he does. 14:01

11 Q When did you see these videos? 14:01

12 A It's hard for me to pinpoint an exact 14:01

13 time. I think -- yeah, I can't tell you, I'm sorry, 14:01

14 I don't know when I saw them. 14:01

15 Q Do you know if you saw the videos before 14:01

16 your first visit to Lunada Bay or after? 14:01

17 A No, I know it was after. 14:01

18 Q Okay. Now, so you do -- you are able to 14:01

19 sort of put a face to the name of Michael Papayans, 14:01

20 it's your understanding of what he looks like based 14:01

21 on these videos; is that correct? 14:01

22 A That's correct, yes. 14:01

23 Q Do you know if you have ever personally 14:01

24 seen Michael Papayans at Lunada Bay when you were 14:01

25 there? 14:01

1	A	I don't remember personally seeing him	14:01
2		myself.	14:01
3	Q	To your knowledge, did he have any	14:01
4		involvement with any of the incidents that you've	14:01
5		described that you experienced at Lunada Bay?	14:01
6	MR. FRANKLIN:	Vague, ambiguous, lacks	14:01
7		foundation.	14:01
8	THE WITNESS:	Well, to my knowledge, he's	14:01
9		involved in the organization of the Bay Boys and so	14:01
10		I would assume that he's involved in organizing the	14:02
11		harassment and the violence that occurs there that,	14:02
12		you know, also happened to me.	14:02
13	BY MR. HAVEN:		14:02
14	Q	What do you base that understanding on,	14:02
15		why do you believe that?	14:02
16	A	It's based on, you know, the investigation	14:02
17		of my attorneys and my own personal experiences and	14:02
18		what I've heard about in the surf community and	14:02
19		videos that I've seen.	14:02
20	Q	What have you heard about Michael Papayans	14:02
21		in the surf community?	14:02
22	A	You know, I've also read articles about	14:02
23		him in the press.	14:02
24		You know, I've just heard that he's really	14:02
25		bad at hassling people and that he's violent.	14:02

1 Q This is what you've heard, but you 14:02
2 personally have never had any encounter with him to 14:02
3 your knowledge? 14:02
4 A I personally haven't had anything like 14:02
5 person to person with him. 14:02
6 Q Okay. One final question, I apologize for 14:02
7 asking this in advance, can you tell us who the 14:02
8 father of your child is, please? 14:03
9 A It's Jordan Wright. 14:03
10 Q Okay. I appreciate that, thank you very 14:03
11 much, I have no further questions. 14:03
12 MR. FRANKLIN: Thank you. Thank you very 14:03
13 much. 14:03
14 THE REPORTER: Off the record? 14:03
15 MR. FRANKLIN: Yes. 14:03
16 MS. HEWITT: Off the record. 14:03
17 THE VIDEOGRAPHER: We are now off the 14:03
18 record. The time is 2:03 p.m. 14:03
19 (A discussion was held off the record.) 14:03
20 THE VIDEOGRAPHER: We are off the record. 14:04
21 It's 2:04 p.m., and this concludes today's testimony 14:04
22 given by Diana Milena Reed, Volume 2. The total 14:04
23 number of media used was two, and will be retained 14:04
24 by Veritext Legal Solutions. 14:04
25 MS. HEWITT: And you can do this off the 14:04

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Certification of Court Reporter

Federal Jurat

I, the undersigned, a Certified Shorthand Reporter of the State of California do hereby certify:

That the foregoing proceedings were taken before me at the time and place herein set forth; that any witnesses in the foregoing proceedings, prior to testifying, were placed under oath; that a verbatim record of the proceedings was made by me using machine shorthand which was thereafter transcribed under my direction; further, that the foregoing is an accurate transcription thereof.

That before completion of the deposition, a review of the transcript [x] was [] was not requested. I further certify that I am neither financially interested in the action nor a relative or employee of any attorney of any of the parties.

IN WITNESS WHEREOF, I have this date subscribed my name.

Dated: November 7, 2016



Jimmy Rodriguez, RPR

Certificate Number 13464